FAO No. 467/02

3.3.2009 Present: Mr. Tara Singh Chauhan, counsel for the appellant.

Mr. A.K.Bansal, counsel for respondents 1,2 & 4.

Mr. K.D.Sood, counsel for respondent No.3.

FAO No. 467 of 2002.

Mr. Tara Singh Chauhan submits that as per the law laid down by the apex Court in **Deepal Girishbhai Soni and others** versus **United India Insurance Co. Ltd. Baroda** (2004) 5 SCC 385, the present petition filed under Section 163-A of Motor Vehicles Act was not maintainable since the income of the deceased was more than Rs.40,000/- per month. Therefore, he seeks to withdraw the original petition filed under Section 163-A of Motor Vehicles Act with liberty reserved to him to file an appropriate proceeding under the Motor Vehicles Act or any other provision of law. In case such proceedings are commenced within two months from today, the respondents shall not raise any objection of limitation. The petition is disposed of accordingly.

March 3, 2006. (Deepak Gupta), J.

s.